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Penneco Pipeline v. Dominion

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UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 07-4246/4247

PENNECO PIPELINE CORPORATION; LINETTE SHEARER ARCHER;
FRED C. PUGLIESE; RAYMOND R. REARICK; DORIS REARICK, his wife;
WILLIAM S. ROMAN; BEVERLY L. ROMAN, his wife; THOMAS E. WEAVER;
DONNA L. WEAVER, his wife; THEODORE RUPERT; TWILA M. RUPERT, his
wife; JEAN L. JOHNSTON; WILLIAM H. JOHNSTON, her husband;
ROBERT KELLEY; ALAN K. HILL; LINDA V. HILL, his wife; LISLE R. JOHNS;
LUCINDA C. JOHNS, his wife; JOHN L. SPEER; JEAN D. SPEER, his wife;
ANDREW KIMMEL; ERIN KIMMEL, his wife; ROBERT E. DEEMER; ROBERT H.
CASHDOLLAR; LINDA LEE CASHDOLLAR, his wife; KENNETH J. KISIEL;
MICHELLE L. KISIEL, his wife; CHRIS D. KIMMEL; JUDITH M. KIMMEL, his
wife; ROBERT R. COLEMAN; LORETTA A. COLEMAN, his wife; ROBERT A.
ANDERSON, JR.; KIMBERLY A. ALEXANDER, his wife; HARRY J. DAVIS; FRED
A. MUSSER, JR., trading and doing business as MUSSER ASSOCIATES; CURTIS
ANDERSON; ERNEST L. ANDERSON; HELEN A. ANDERSON; HOWARD B.
ANDERSON; ROBERT L. ANDERSON; WILLIAM J. ANDERSON; MARIE B.
CELLIER; JOYCE A. COLOSMO; THOMAS P. COLOSMO; BRADLEY L. CRAIG;
ELAINE CRAIG; LISA CRAIG; RANDY M. CRAIG; RODNEY D. CRAWFORD;
GREG J. CURRY; BETTY J. DUNMIRE; DAVID E. DUNMIRE; LOIS J. FARSTER;
PATRICIA L. HEMKE; DREW L. KIMMEL; SANDRA E. KIMMEL; MARK T.
KIRBY; VIRGINIA K. KIRBY; DENISE PENCOLA; JAMES M. PENCOLA;
DOUGLAS C. CRAIG; CAROL A. CRAIG, his wife; ANITA FINE; DANIEL FINE,

Appellants

v.

DOMINION TRANSMISSION, INC.; DOMINION EXPLORATION &
PRODUCTION, INC., a Delaware Corporation

On Appeal from the United States District Court
for the Western District of Pennsylvania
(D.C. Nos. 05-cv-00049, 05-cv-00332, 05-cv-00537)
District Judge: Honorable Donetta W. Ambrose

Submitted October 27, 2008

Before: McKee , Nygaard and Michel, *Circuit Judges*.*

(Filed December 2, 2008)

OPINION

MCKEE, Circuit Judge.

Penneco Pipeline Corporation appeals the district court’s grant of Summary Judgment against it, and in favor of Dominion Transmission, Inc., in this diversity action arising from a dispute over leasehold interests held by Dominion under oil and gas leases with Penneco and its predecessors in interest. For the reasons that follow, we will affirm.

Inasmuch as we write primarily for the parties, we need not recite the rather involved procedural or historical background of this appeal. In an exceptionally thoroughly and persuasive Report and Recommendation, dated May 21, 2007, Magistrate Judge Lisa Pupo Lenihan, explained that even though the court was “not unsympathetic

*Honorable Paul R. Michel, Chief Judge for the United States Court of Appeals for the Federal Circuit, sitting by designation.

to Plaintiffs' plight and the seemingly inequitable result reached . . .", "controlling law", and the "unambiguous language of the DTY leases," "result[ed] in a finding in favor of the Defendants." Accordingly, she recommend that the defendants' motion for partial Summary Judgment be granted, and the plaintiffs' motion for partial summary judgment be denied.

By order dated October 3, 2007, the district court rejected the Plaintiffs' Objections to the Magistrate Judge's Report and Recommendation, and entered judgment in favor of defendants, and against plaintiffs as to all claims.

We can add little to the thoughtful analyses set forth in the Magistrate Judge's Report and Recommendation. Accordingly we will affirm the judgment of the district court adopting that Report and Recommendation, substantially for the reasons set forth by the Magistrate Judge.